

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Robert Poles and Niesha Poles,	)	C/A No. _____
)	
Plaintiffs,	)	(Removed from the Lexington County Court
v.	)	of Common Pleas, Eleventh Judicial Circuit
	)	Case No. 2020CP3203774)
Kia Motors America, Inc.)	
)	
Defendant.	)	<u>DEFENDANT KIA MOTORS AMERICA,</u>
	)	<u>INC.</u>
	)	<u>NOTICE OF REMOVAL</u>

TO: The United States District Court
For the District of South Carolina, Columbia Division

EXHIBIT A – Summons and Complaint

Respectfully submitted,

BOWMAN AND BROOKE LLP

By: s/ Joel H. Smith
Joel Smith (SC Bar No.)
joel.smith@bowmanandbrooke.com
1441 Main Street, Suite 1200
Columbia, South Carolina 29201
T: (803) 726-

**Attorney for Defendant
KIA MOTORS AMERICA, INC.**

December 21, 2020
Columbia, South Carolina



**Service of Process
Transmittal**

11/20/2020

CT Log Number 538631176

TO: Mark Goldzweig
Kia Motors America, Inc.
111 Peters Canyon Rd
Irvine, CA 92606-1790

RE: Process Served in South Carolina

FOR: KIA MOTORS AMERICA, INC. (Domestic State: CA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Robert Poles and Niesha Poles, Pltfs. vs. Kia Motors America, Inc., Dft.

DOCUMENT(S) SERVED: Letter, Summons, Complaint

COURT/AGENCY: Lexington County Court of Common Pleas, SC
Case # 2020CP3203774

NATURE OF ACTION: Product Liability Litigation - Manufacturing Defect - 2014 Kia Soul

ON WHOM PROCESS WAS SERVED: CT Corporation System, Columbia, SC

DATE AND HOUR OF SERVICE: By Certified Mail on 11/20/2020 postmarked on 11/17/2020

JURISDICTION SERVED : South Carolina

APPEARANCE OR ANSWER DUE: Within 30 days after service hereof, exclusive of the day of such service

ATTORNEY(S) / SENDER(S): William P. Walker, Jr.
WALKER MORGAN, LLC
135 E. Main Street
Lexington, SC 29072
803-359-6194

ACTION ITEMS: CT has retained the current log, Retain Date: 11/23/2020, Expected Purge Date: 11/28/2020

Image SOP

Email Notification, Mark Goldzweig Mgoldzweig@kiausa.com

Email Notification, Debbie Avalos davalos@kiausa.com

Email Notification, Wendy Seeley wseeley@kiausa.com

Email Notification, John Woo jkwoo@kiausa.com

Email Notification, Marisa Sanchez msanchez@kiausa.com

Email Notification, Elizabeth Lee elizabethlee@kiausa.com

SIGNED: CT Corporation System

ADDRESS: 208 South LaSalle Street
Suite 814



**Service of Process
Transmittal**

11/20/2020

CT Log Number 538631176

TO: Mark Goldzweig
Kia Motors America, Inc.
111 Peters Canyon Rd
Irvine, CA 92606-1790

RE: Process Served in South Carolina

FOR: KIA MOTORS AMERICA, INC. (Domestic State: CA)

Chicago, IL 60604

For Questions:

866-331-2303
CentralTeam1@wolterskluwer.com

Page 2 of 2 / AA

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Walker & Morgan, LLC

ATTORNEYS AT LAW

Post Office Box 949 ♦ Lexington, South Carolina 29071



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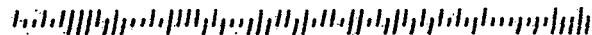
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NOV 17 2020

MAILED FROM ZIP CODE 29072

CT Corporation System
Registered Agent for
KIA Motors America, Inc.
2 Office Park Court
SUITE 103
Columbia, SC 29223

29223\$5948 C008





Walker Morgan

ATTORNEYS AT LAW

William P. Walker, Jr. ♦ S. Kirkpatrick Morgan, Jr.*
Charles T. Slaughter+ ♦ William P. Walker, III

November 16, 2020

VIA CERTIFIED MAIL
RESTRICTED DELIVERY – RETURN RECEIPT REQUESTED

CT Corporation System
Registered Agent for
KIA Motors America, Inc.
2 Office Park Court
SUITE 103
Columbia, SC 29223

Re: Rob and Niesha Poles v KIA Motors America, Inc.
Civil Action No.: 2020-CP-32-03774

Dear Sir/Madam:

I herewith enclose and serve upon you a clocked copy of the Summons and Complaint in the above-entitled matter, which was filed with the Lexington County Clerk of Court on November 11, 2020.

The documents herein are being served upon you as Registered Agent for KIA Motors America, Inc.

With kindest regards, I am

Sincerely yours,

WALKER MORGAN, LLC

WILLIAM P. WALKER, JR.
WPWjr/akg

Enclosures: As Stated

cc: Andrew Ausband, Attorney

Certified Article Number

9414 7266 9904 2147 9426 37

SENDER'S RECORD

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
Robert Poles and Niesha Poles)
Plaintiffs,)
v.)
Kia Motors America, Inc.)
Defendant.)

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

SUMMONS
(Jury Trial Demanded)

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

Respectfully Submitted

s/William P. Walker, Jr.
William P. Walker, Jr., Esquire
SC BAR 005796
WALKER & MORGAN, LLC
135 E. Main Street (29071)
Lexington, South Carolina 29072
Telephone: (803) 359-6194
Email: bw@walkermorgan.com
Attorney for Plaintiffs

Lexington, South Carolina
November 11, 2020

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF LEXINGTON	)	FOR THE ELEVENTH JUDICIAL CIRCUIT
)	
Robert Poles and Niesha Poles)	
)	
Plaintiffs,)	
)	
v.	)	COMPLAINT
	)	(Jury Trial Demanded)
Kia Motors America, Inc.)	
)	
Defendant.)	
)	
)	

Plaintiffs, above-named, complaining of the Defendants herein, would respectfully show unto this court the following:

PARTIES AND JURISDICTION

1. The Plaintiffs Robert and Niesha Poles are citizens and residents of the county of Lexington, state of South Carolina.
2. Upon information and belief, The Defendant, Kia Motors America, Inc. ("Kia"), is a corporation organized and existing pursuant to the laws of the state of California and maintains agents and servants in the county of Lexington for the purpose of carrying on its business in the state of South Carolina.
3. The incident complained of and damages described herein occurred in the county of Lexington, South Carolina.
4. This court has jurisdiction over Defendant Kia, above-named, and venue is proper.

FACTUAL ALLEGATIONS

5. Plaintiff incorporates by reference all preceding paragraphs and allegations of this Complaint as though fully set forth herein.
6. On July 22, 2019, Plaintiffs were driving along Sunset Blvd., West Columbia, South Carolina to deposit a work check at Brookland Credit Union.
7. Plaintiffs were driving a 2014 Kia Soul ("Soul").
8. Upon information and belief, Plaintiff had been leasing the Soul for roughly seven months before the incident.
9. Upon information and belief, Defendant was the manufacturer of the Soul.
10. Upon information and belief, Plaintiff Niesha was driving, Plaintiff Robert was in the passenger seat, and their two children were located in the backseats.
11. Upon information and belief, while Plaintiffs were driving, Witness Cassie Sessions yelled to Plaintiffs from her vehicle that the Soul was on fire.
12. Upon information and belief, the Soul then began to fill up with smoke and the bottom of the car caught flames.
13. Upon information and belief, Plaintiff Niesha attempted to slam on her brakes.
14. Upon information and belief, the brake line exploded and Plaintiff Niesha was unable to stop the car.
15. Upon information and belief, Plaintiff Robert was able to apply the emergency brake and stop the vehicle.
16. Upon information and belief, Plaintiffs secured their children and were able to get them to safety before the Soul was completely engulfed in flames.
17. Upon information and belief, Plaintiff Niesha was the last to get out of the Soul because the driver's door was stuck and unable to open.

18. Upon information and belief, Plaintiff Niesha forced the door open by ramming it repeatedly with her shoulder.
19. Upon information and belief, the Soul was destroyed and totaled as a result of the incident.
20. Upon information and belief, Plaintiffs also lost many valuables that were located inside of the vehicle at the time.
21. Upon information and belief, Plaintiff Niesha has suffered damages in the form of depression and anxiety as a result of this traumatic event.
22. Upon information and belief, Plaintiffs may have suffered physical and emotional damages as a result of this traumatic event.
23. Upon information and belief, as of March 29, 2019, there has been an open investigation by the National Highway Traffic Safety Administration ("NHTSA") into non-collision related vehicle fires for Kia Souls manufactured between the years of 2010 – 2015.

FOR A FIRST CAUSE OF ACTION

(Product Liability/Negligence Per Se)

24. Plaintiff incorporates by reference all preceding paragraphs and allegations of this Complaint as though fully set forth herein.
25. Defendant sold the Kia in a defective condition that was unreasonably dangerous to Plaintiff.
26. Defendant is engaged in the business of selling such a product.
27. The Soul did not reach Plaintiffs with substantial change in the condition in which it was sold.
28. As a result of this unreasonably dangerous vehicle, Plaintiffs suffered physical injuries.

29. As a result of this unreasonably dangerous vehicle, Plaintiffs suffered considerable damage to their property.
30. Paragraphs No. 23 – 27 constitute a violation of S.C. Code Annotated § 15-73-10.
31. Plaintiffs suffered losses as a result of damages to the Soul, as well as destroyed personal property located inside of the vehicle at the time of the fire.
32. The personal property located inside of the Soul includes, but is not limited to: iPads, designer shoes, iPhones, medication, and prescription glasses.
33. That the damages to the personal property located inside of the Soul are valued altogether at roughly \$12,770.00.
34. That Plaintiffs may also have physical injuries as a result of this traumatic event, as well.

FOR A SECOND CAUSE OF ACTION

(Negligence)

35. Plaintiff incorporates by reference all preceding paragraphs and allegations of this Complaint as though fully set forth herein.
36. Defendant owed Plaintiff a duty to create a vehicle that was safe for use.
37. Defendant breached their duty of care owed to Plaintiff, and thus were negligent, grossly negligent, willful, wanton, and reckless in the following particulars to wit:
 - a. By defectively designing or manufacturing a vehicle.
 - b. In failing to identify a defective design or manufacturing before sale of the vehicle.
 - c. In failing to remedy the defect before the sale of the vehicle.

d. In failing to inform Defendants about potential issues with the vehicle or the ongoing investigation of NHSTA.

38. The aforementioned negligent, grossly negligent, reckless, willful, wanton, and unlawful acts and conduct of Defendant were the direct and proximate cause of the physical, emotional, and property damages suffered by Plaintiff herein in a sum of actual and punitive damages.

WHEREFORE, Plaintiff prays for judgment against Defendants in a sum sufficient to adequately compensate for actual damages to the vehicle, personal property located inside the vehicle, and physical and emotional damages, for such punitive damages as a jury may reasonably award, for the costs of this action, and for such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

s/William P. Walker, Jr.

William P. Walker, Jr., Esquire
SC Bar Number 005796
WALKER MORGAN, LLC
135 E. Main Street (29071)
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Attorney for Plaintiff

Lexington, South Carolina
November 11, 2020